

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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SANDRA K. MENKEN,

Plaintiff,

-against-

TOWN OF HEMPSTEAD,

Defendant.

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**LINDSAY, Magistrate Judge:**

Before the court is the joint letter submission dated October 16, 2014 by counsel for the respective parties seeking the court's assistance in obtaining records from plaintiff Sandra K. Menken's therapist, Beverly A. Schmidt. According to the parties, despite a HIPAA release, conversations with both plaintiff's and defendant's counsel, and a subpoena, Ms. Schmidt continues to refuse to release her records relating to the mental health of Ms. Menken. Plaintiff and her counsel have even suggested that Ms. Schmidt release the records to plaintiff, but again she has refused to so.

The parties are directed to submit a proposed order to the undersigned restating (i) the parties' agreement for the production of the records; (ii) plaintiff's consent to the release of the records; and (iii) the scope of the records sought, including in detail the types of documents and the specific time period sought. Such proposed order should include a contempt warning for failure to comply and provide for personal service on Ms. Schmidt.

Dated: Central Islip, New York  
October 22, 2014

**SO ORDERED:**

\_\_\_\_\_/s/\_\_\_\_\_  
ARLENE ROSARIO LINDSAY  
United States Magistrate Judge